

## THE CITY-MANAGER CHARTER OF DAYTON

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The Dayton charter is an endeavor to retain the strength of the commission plan—the concentration of policy determining authority in a small non-partisan legislative body—and to add to it a permanent administrative force of trained executives. Neither the commission nor federal scheme of government secures this last end. The federal ward plan of representation, and the biennial change of departmental heads, has been discredited. And investigations showed that commission government, while an improvement, had not secured the desirable efficiency in city administration.

It does not appear practicable to select men from the average walks of life, and require them not only to determine the policies of a municipality, but also to direct the technical details of conducting a city department. The obvious solution of this problem is the complete separation of the legislative from the administrative functions of government in conjunction with a short non-partisan ballot. This was effected in the Dayton charter, which was modeled closely upon the Lockport plan. The representative body is limited strictly to legislative duties—determining what shall be the large, general policies for the government. The execution of these policies is delegated to an appointed city manager held definitely responsible for them.

Five commissioners or councilmen, elected at large on a non-partisan ticket for a term of four years, constitute the legislative division of the city's government. After consideration of both proportional representation, and the preferential ballot, it was decided that nominations be secured by at least two per cent of the registered voters signing a petition to place their candidate on the primary ballot. At the first election five candidates were selected,

the three receiving the greatest vote to serve for four years. The remaining two hold office for two years.

Thus the board of commissioners becomes a continuous body, two members, then three members being elected every alternate two years. In this manner a legislative body will be assured, a portion of which will be always familiar with the affairs of the city; and at the same time there will be a tendency to prevent the wholesale removal of administrative officers, such as might be attendant upon a quadrennial choosing of entirely new representatives.

The commissioner receiving the highest vote at the election at which three commissioners are chosen—that is once every four years, acts as mayor. His major duties are to act as chairman of the commission and to represent the city as one of the members of the county budget commission for the fixing of the tax rate. In addition he is recognized as the official head of the city by the courts, and by the governor for the purposes of the military law. There is no veto power, and the mayor is in reality only the ceremonial head of the government.

Objection has been made to this method of choosing the mayor, in preference to having candidates run for this designated office. It is now possible for any disgruntled faction by failing to vote for all but one candidate to insure the choice of the most undesirable member of the commission as mayor. This has not proved true locally, but is doubtless a theoretical objection with considerable foundation.

Commissioners receive a nominal salary as only a portion of their time is necessary for the performance of their public duties, which may be summarized as:

1. The appointment of a city manager.
2. The enactment of the city appropriation ordinance, and approval of the mayor's budget upon which the tax rate is based.
3. Enactment of police ordinances.
4. Enactment of resolutions and ordinances determining upon public works to be paid for by special assessment.

Aside from the city manager the commission is empowered to appoint a clerk, several members of an unimportant county board,



and a non-partisan board to execute the civil service clause of the charter. The appointments of the city manager may be made *from the entire eligible list*, as determined by the civil service board, and dismissals can become operative only after an appeal to that body has been heard. Such latitude in employing would permit a commission and manager so inclined to create a political machine almost impregnable. On the other hand, the privilege granted of a dismissed employee to appeal to a board whose decision is final, practically compels the manager to prove incompetency beyond any question. The manager is directly responsible, not only to the commission, but to the public for the efficient administration of the city, and inability to dismiss freely undesirable employees would seem to throw an unwarranted obstacle in the way of that accomplishment.

The city manager, appointed by the commission, is the administrative head of the city government, and responsible for all departments. This administrator is appointed without regard to political beliefs, and "may or may not be a resident of the city of Dayton when appointed." But whether the manager may be a resident of a state other than Ohio is questionable. The state constitution requires that "no person shall be elected or appointed to any office in this state, unless he possess the qualifications of an elector." The manager holds office at the will of the commissioners and is also subject to popular recall. This last provision is of course a departure from recognized good practice, but was believed necessary to secure public endorsement of so radical an innovation in the method of local government.

Doubtless also the position and political independence of this executive would have been strengthened had it been made necessary for the commission in discharging their employee, to prefer formal charges and hold a public hearing upon the same. The short ballot and the recall will probably inhibit a repetition of the political jobbery in the dismissing and hiring of a manager, which is seen so frequently in the instance of school superintendents, yet it might have been well to make this prohibition doubly sure.

Summarized briefly the duties of the manager are as follows:

1. To see that the laws and ordinances are enforced.
2. To appoint, and except as herein provided, remove all

directors of departments and all subordinate officers and employees in the departments in both the classified and unclassified service.

3. To exercise control over all departments and divisions created herein or that may be hereafter created by the commission.
4. To attend all meetings of the commission with the right to take part in the discussion but having no vote.
5. To recommend to the commission for adoption such measures as he may deem necessary or expedient.
6. To keep the commission fully advised as to the financial condition of the city, and
7. To perform such other duties as may be prescribed by the charter or be required of him by ordinance or resolution of the commission.

It will be noted that these duties are in no way political or policy determining, and their delegation to an appointive officer cannot be considered as relinquishing any rights that the public may have in the government.

For administrative purposes the municipal government is divided into the

1. Department of law.
2. Department of public service, comprising the construction and maintenance of streets, sidewalks and sewers; collection and disposal of waste; and management of public utilities.
3. Department of safety, comprising the divisions of fire and police, building inspection, and the enforcement of ordinances relating to weights and measures.
4. Department of finance, comprising the divisions of accounting, and the purchasing of supplies, the office of treasurer being abolished as a duplication of the work of the auditor.
5. Department of public welfare, comprising the divisions of health, parks and playgrounds, charities and correction.

At the head of each department is a director, chosen by the manager, responsible to him and to the commission for the economical, efficient and proper conduct of the division. The commission



may, however, by ordinance discontinue any department and determine, combine and distribute the functions of government as they see fit. The municipal judicial election and educational systems are by law without the jurisdiction of the charter.

It is possible, however, that the division of the government into these five principal departments, inherent in the commission plan, was too slavishly copied in the local document. The newly-elected commissioners seriously considered exercising their authority to abolish this proposed organization and increase the number of divisions or bureaus to a total of twelve. While this proposal would increase the supervisory duties of the manager, it would have made the head of each division an actual working unit rather than an administrative position. The salaries of the supervisory places abolished could have been distributed in part to the heads of divisions, with a view to securing a higher grade of executive, and very advisedly might have been partially invested in securing an assistant city manager, thereby insuring a more than one-man organization. The manager might then resign, be recalled, fall ill or be otherwise incapacitated and there would be ready to assume his responsibilities, as manager, a subordinate fully familiar with the duties, program and organization of the government. Under the Dayton charter so many obligations devolve upon the manager personally, some of which unfortunately are of a purely routine character, such as the signing of all orders for city supplies, that a few days' neglect would bring the local administration into grave disorder.

During the campaign antecedent to the writing and adoption of the charter, considerable discussion was raised concerning the proper status of the city solicitor and auditor in the proposed plan. It was contended that the financial officer, being accountable for any illegal payments by his department, should have a discretion independent of managerial influence. It was also advanced that an independent solicitor would be ample security to this end, since the auditor must accept the opinion of this officer as to the legality of financial transactions of the municipality. At one time it was proposed to have both the solicitor and auditor appointed by the commission rather than by the manager. This proposition probably arose from a natural reluctance to desert entirely a government of checks and balances so long common in American practice. It was,

however, a struggle between political theory and a desire for concentrated authority in which the latter prevailed. The correctness of either position can only be empirically determined.

The broad social character of the document may be judged from the creation of an entire department concerned with the welfare of the citizen body. Not only is the promotion of public health, parks and recreation centered in this division but the director must provide for research into the causes of poverty, delinquency, crime and disease, and other social problems in the community; and must by lectures and publicity facilitate a wider understanding of these questions. If this section is made effective in the same spirit in which it was written, the city government will not only reflect the progressive socialized opinion of the citizen body, but will create it, and the city itself become an active leader in promoting the difficult art of community living.

Unique in American practice is a provision borrowed from Germany, which provides for the possible appointment of citizen boards to act in an advisory capacity with departmental heads; and the appointment of a similar city-plan commission is made mandatory. No powers are granted such bodies, except that their recommendations become departmental records, and there must be regular stated meetings.

In addition to the easy amendment of the charter, democratic government is safeguarded by the provision for the initiative, referendum and recall. It is unfortunate, however, that the ballot at recall elections not only contains the proposition for recall, but also the names of such candidates for the possible vacant office, as may have secured the required number of signatures. No recall petition may be filed against any officer until six months after the election or the failure of a recall election against him. The percentage of electors required to initiate or refer legislation and to recall officials is the same or less than that found in over one-half of the cities having similar legislation provisions, but is relatively high when compared with the percentage—ten per cent—necessary to amend the charter. This discrepancy was knowingly incorporated from a desire to prevent the harassing of the commission by disgruntled political elements.

Aside from the separation of the legislative and administrative



divisions of government, it is in the procedure laid down for the operation of these latter branches, that the charter is most notable. While all government is dependent on the quality of chosen officials and the extent of citizen interest, yet it is believed that the charter provisions governing budget making, accounting procedure, the purchasing of supplies, service and operating cost, standardization of duties and compensation, etc., are of such a character as will tend to insure a desirable minimum of efficiency in city government even should there be an after-election slump in public interest. No matter what character of men are later chosen to administer the government of Dayton, they must of necessity use the most modern methods in that administration—methods which most readily raise danger signals at neglect, inefficiency or corruption.

Frequent comment has been made upon the almost universal failure of commission-governed cities to install modern scientific methods of city business, and upon the fact that a few cities operating under a cumbersome form of federal government have, by the adoption of these same hitherto neglected ordinances, placed themselves in the first rank of efficiently governed municipalities. Even were there no lesson to be drawn from these circumstances, it is to be anticipated that, in developing a system of government modeled closely upon the plan of incorporated commercial organizations, an endeavor would have been made to include also certain characteristic features of their management. Most notable of these is perhaps the care used in the collection and disbursement of funds.

Beginning with the appropriation of funds, it is required that departmental estimates shall be compiled by the manager from detailed information registered on uniform blanks. In substitution for the heterogeneous division of expenditures formerly prevailing, the new classification must be uniform for each of the main functional divisions of all departments, and departmental requests must give in parallel columns the following information:

- (a) A detailed estimate of departmental needs.
- (b) Expenditures for corresponding items covering the past two years.
- (c) Expenditures of the present year including transfers.
- (d) Supplies on hand.
- (e) Increases and decreases.

(f) Other information required.

(g) Recommendations of the city manager.

Additional provision is made for the publication of and public hearing on the budget estimate before it can be enacted into law. This is a notable gain. During the old régime the public was recently able to obtain an informal hearing on the departmental estimates, but was never allowed to learn the contents of the final appropriation ordinance until it was presented to council for approval, and then it was not unfrequently amended from the floor.

For the regulation of the accounting procedure it was decided to incorporate two sections found in the Cleveland charter which require that "accounting procedures shall be devised and maintained for the city *adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of values.*" A corollary clause, but one upon which the above depends for its interpretation reads in part as follows: "the commission shall cause a continuous audit to be made. . . . Such statements shall include a general balance sheet, exhibiting the assets and liabilities of the city supported by departmental schedules, and schedules for each utility publicly owned or operated; summaries of income and expenditure supported by detailed schedules; and also comparison . . . with the last previous year." A strict accounting interpretation of the terms "income and expenditure" will place the city accounting upon a basis of *credits accruing and liabilities incurred* rather than the usual *cash receipts and disbursements* basis, upon which most municipalities operate.


Before the holiday season of 1912 the city found itself unable to pay the salaries of the police and fire forces, although several hundred thousand dollars were on deposit in other funds, and all credits of the police fund had not been collected. At the time the city was paying interest on a large floating debt, for one department and loaning other money to the banks at reduced interest. Recalling this anomaly the paper demarcation between funds was withdrawn, and for purposes of paying bills there now exists only one city pocket. However, only money actually anticipated to come into the treasury may be appropriated, thus securing the treasury from over-draft. This section was also designed to prevent further deficits, in the operating account, which in the last six years has been exceeded by \$360,000.



Supplementing these provisions for financial accounting are clauses by which "the head of each department . . . shall require proper time reports for all services rendered . . . to serve as a basis for the preparation of pay-roll vouchers," and by which each departmental head must submit "current financial and operating statements exhibiting the transactions (of his department) and the cost therefor." It is believed that these provisions adequately provide for progressive budget making, general finance accounts, cost accounts and operative records—the machinery of efficient government.

Revenue systems and forms of taxation are prescribed by general law, not subject to charter modification. However, complete detail, too lengthy to be discussed in a brief article, has been provided for the financing of public improvements and the control of franchises.

The brief time allowed for the preparation of the Dayton charter prevented a thorough consideration of some sections, and a review by special authorities. No doubt it possesses many weaknesses, a number of which have already become apparent under closer scrutiny. However, it does not assume to be the last word, but rather the first word in government of this character. Only years of experience can solve many of the questions which are daily presenting themselves, and doubtless the final law controlling cities adopting the principles incorporated here will have many essential differences. Yet it is believed that there has been devised here a plan of government, the principle of which will solve the grave problem of municipal administration in America.



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